

ORDINANCE NO 40: An Ordinance regulating the licensing and sale of non-intoxicating malt liquors, repealing inconsistent ordinances and providing a penalty for the violation hereof.

The Village council of the Village of Hokah, in the County of Houston, State of Minnesota do ordain:

SECTION 1.

It shall be unlawful to sell or deliver non-intoxicating malt liquors in the Village of Hokah except when licensed as hereinafter provided. The expression "non-intoxicating malt liquor" when used herein shall mean any potable malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than 3.2 percent by weight. There shall be two types of licenses issued for the sale of such liquors classified as follows:

(a) "On Sale" licenses shall permit the licensee to sell n on-intoxicating liquors for consumption on the premises, and this class of licenses shall be granted only to restaurants, hotels, drug stores and bona fide clubs. A bona fide club under this ordinance is an organization for social or business purposes, or for intellectual improvement, or for the promotion of sports, where the serving of such non-intoxicating malt liquors is incidental and not the major purpose of the club.

(b) "Off Sale" licenses shall permit the licensee to sell non-intoxicating malt liquors in original packages for consumption off the premises only.

SECTION 2.

All applications for license to sell such malt liquors shall be made on forms to be supplied by the Village, shall be verified and shall set forth the name and citizenship of the applicant and representations as to his character, with such references as may be required, the location where such business is to be carried on, whether applicant is owner or operator of such business, the time such applicant has been in that business at that place, and such other information as the governing body may require from time to time. It shall be unlawful to make any false statement in such application.

SECTION 3.

The annual fee for an "On Sale" license is hereby fixed at \$15.00, which fee must be paid to the Village Clerk before any such license is issued. The license year shall commence on April 7<sup>th</sup> of each year and shall extend to the following 6<sup>th</sup> day of April at 12 o'clock P.M. No license shall be issued to extend beyond the expiration of the current license year as herein fixed. The license fees herein provides shall be pro-rated in case the license is issued to take effect at any time after the 7<sup>th</sup> day of April of any year.

SECTION 4.

All licenses granted under this Ordinance shall be issued to the applicant only for the premises described in the application. Such license shall not be transferred to another nor shall such business be removed to other premises without the approval of the Village Council. Removal of said business or transfer of the same to another without the approval of the Village Council, shall automatically revoke such license.

SECTION 5.

No license shall be issued to any person who is not a citizen of the United States of America, and a person of good moral character nor less than twenty-one years of age; and no "On Sale" license shall be issued to any drug store, restaurant, hotel or club which has not been in operation for at least sicy days immediately preceding the time of filling the application.

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SECTION 6.

Before any license shall be issued thereunder the applicant shall give bond to the Village in the penal sum of \$300.00 for "On Sale" license and \$200.00 for "Off Sale" license, conditioned that the licensee, his agents, servants and employees, will comply with all of the ordinances of this Village relating to the sale or delivery of non-intoxicating malt liquors, and pay all fines or other penalties that may be imposed or assessed against any of them for violation of such ordinances, which bond and sureties thereon shall be approved by the President of the Village Council.

SECTION 7.

No premises on which an "On Sale" license has been issued and is in force shall at any time have the view thereof from the street obstructed by screens or curtains, or in any other manner, and such premises shall be open to inspection by the health and police officers of said village at any time.

SECTION 8,

It shall be unlawful for any person, his agents, servants or employees, to sell or deliver such non-intoxicating malt liquors to any person under the age of twenty-one years.

SECTION 9.

It shall be the duty of any person holding an "On Sale" license to conduct his business thereunder in a quiet, peaceable manner so as not to disturb the peace, and to prevent all noisy and boisterous conduct on the premises, and to prevent loitering of intoxicated persons therein.

SECTION 10.

Any license granted hereunder may be revoked by the Village Council after due notice and hearing for failure of the licensee, his servants, agents or employees to comply with the terms of this ordinance, and the Village Council may suspend such license pending such hearing. No portion of the license fee paid into the Village treasury shall be returned upon revocation.

SECTION 11.

Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not to exceed \$100.00, and in default of payment thereof by imprisonment in the County jail for a period of not to exceed 90 days. And such conviction shall constitute cause for revocation of any license; held by such person.

SECTION 12.

All previous Ordinances of this Village and all ordinance; or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13.

This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 5<sup>th</sup> day of April, 1933

Attest:

P.R. Reilly,

Village Clerk.

Wm A. Marquardt,

President Village Council